



Indiana Judicial Nominating Commission
30 South Meridian Street
Suite 500
Indianapolis, IN 46204
(317) 232-4706

APPLICATION
FOR THE
INDIANA TAX COURT

(SEE INSTRUCTIONS)

Deadline – Monday, September 20, 2010

I. Provide your:

A. Full legal name and any former names. Thomas Peters Ewbank

B. Current home and office addresses, including email addresses and telephone numbers. Home:

Office: 12800 N. Meridian Street, Carmel, IN 46032 (317) 238-6252, Cell
Phone: (317) 919-1147. Email Address: tewbank@kdlegal.com

C. Date and place of birth. December 29, 1943, Indianapolis, IN

D. Spouse's name (if married). Alice Ann (Shelton) Ewbank, married 42 yrs.

II. Complete a State Police release form printed on green paper. Include the release only with the original application and not with the copies.

a. Attach a recent photograph of you to the front of the original application and to each copy of your application.

III. A. State in what county you currently reside and since what date.
Hamilton County, since May 1, 2000

C. When were you admitted to the Indiana Bar? May 1969

D. Are you currently on active status? Yes

E. What is your attorney number? 6762-49

- IV. A. List below all colleges and universities you attended other than law schools. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree or Certificate</u>
Stanford University, Stanford, CA	9-61 to 6-62	none
Indiana University,	9-62 to 6-65	B.S. in History, Minors in Econ., Govt. & Educ.

- B. List below all law schools and post-J.D. programs attended. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree and Class Rank</u>
Indiana University School of Law, Bloomington	9-65 to 6-66	none
Indiana University Law School, Indianapolis (Evening Division)	6-66 to 1-69	J.D.

- C. Describe any academic honors, awards, and scholarships you received and when.

Dean's List at Stanford, 1962, Upper tenth of freshman class
Dean's List at Indiana University, 1963-65. Straight A Honor Roll, 1965.
Scholarships awarded upon graduating from Broad Ripple High School –
Parent Teacher Award for top male student, Lions Club Scholarship, 1961
Fee Remission Scholarship at Indiana University, 1962-65.

- VI. A. Provide your employment history since graduation from college, including titles or positions, locations, and dates.

Indiana Legislative Advisory Commission, 1966-67, Ford Foundation Fellowship with Indiana University. Worked for Interim Study Committees and House Ways and Means Committee and House Financial Institutions Committee during legislative session. Attended evening law school.

Merchants National Bank & Trust Company of Indianapolis, June 1967-June 1969, first as trust administrator, then as Estate and Inheritance Tax Administrator in the Trust Department, finally as an Estate Administrator, promoted to Assistant Trust Officer in April, 1969.

Associate with the Law Firm of Hilgedag, Johnson, Secrest & Murphy, Indianapolis, June 1969 – January 1971. Worked for G. Weldon Johnson in estate planning, estate administration and tax work. Initially twenty-five hours per week until October 1969, then full-time.

Deputy Marion County Prosecutor for Noble Percy, from June 1969- October 1969. Prosecuted in Municipal Courts, traffic arrests, DUI, Preliminary hearings and intake complaint deputy at prosecutor's office. Was needed full time working for Weldon Johnson in October 1969.

Associate General Counsel for the Everett I. Brown Company, Architects and Engineers, Indianapolis, January 1971 to January 1972. Primarily public contracts for schools, Hawaii, Arizona and Indiana statutes relating to its business; estate planning and administration for principals at Everett I. Brown.

Merchants National Bank (1972-1992 – then National City Bank 1992-Jan. 1995) returned to bank trust department as Trust Officer. Over tenure, was promoted to Senior Vice President and Senior Trust Officer, and head of trust department from 1987-1995. From 1991-1992 was also President of Merchants Capital Management Inc., the investment entity for the trust department and outside clients.

Partner at Krieg DeVault, LLP from 1995-2010 (present position), Indianapolis and now at the Carmel office. Primarily concentrating on estate planning, estate administration and tax, emphasis on death taxes and fiduciary income tax.

B. If applicable, describe the nature and extent of your practice of law, present and former, and provide the names of your partners, associates, office mates, and employers. See immediate above paragraph. List of attorneys at Krieg DeVault, LLP is attached.

C. Describe the extent of your jury experience, if any. None

D. If applicable, describe the nature and extent of your judicial experience, including a description of your experience presiding over jury trials, if any.

Served as a pro-tem Commissioner in the Marion Probate Court four times during Judge Deiter's fatal illness, 2008.

VII. A. If applicable, list by caption, case number, and filing date up to five of your trial or appellate briefs and/or written judicial opinions. None. Have written at least six ICLEF papers which I delivered at various ICLEF seminars.

B. If applicable, list up to five legislative drafts or court rules you have written or to which you contributed significantly. Refer to them by official citation, by date, and by subject matter. None

C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter. None except under VII A.

D. Include with your application copies of any four of the written materials listed above in Section VII. A., B., and C. (An adequate sampling can usually be supplied in 75 pages or less.) None

E. Describe the nature and extent of any *pro bono* legal services you have contributed.

I have represented three pro bono clients who had lost their Supplemental Security Income (S.S.I.) benefits in their appeals, early 2000's.

Numerous occasions from 1969- present I have, primarily on the phone, assisted persons needing legal advice but without funds to pay for it.

F. Identify the five most significant legal matters entrusted to you whether as a judge or lawyer, and describe why you believe them to be so.

1. Administration of the Estate of Ruth Allison Lilly, 1973-78, Gross Estate of \$130,000,000.
2. Administration of the Estate of Eli Lilly, 1977-1980, Gross Estate of \$280,000,000.
3. Guardianship of the Estate of Ruth Lilly, administration from 1981-1995, Personal Attorney from 1995-2006, top value of \$1,300,000,000.
4. Attorney for the Estate of Thomas T. Solley, 2006-2010, Gross Estate of \$50,000,000.
5. Attorney for the Co-Trustees of the Kerr Real Estate, owners of the Ground under Keystone at the Crossing, 2000-present.

G. Provide the names, addresses, and telephone numbers of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Tax Court. No professional adversaries in my practice. My practice has not involved litigation nor professional adversaries.

VIII. A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice.

Charter Certified Indiana Trust and Estate Lawyer (2006) by TESB.

Elected to the American College of Trust and Estate Counsel (ACTEC), 2007.

Selected as a Top Lawyer in America, 2004-2010

Selected as a Super Lawyer, 2004-2010.

Served on Grievance Committee of Indianapolis Bar Association for ten years.

Served as Treasurer of the Indianapolis Bar Foundation, 1976-1980.

Master Life Patron of the Indiana Bar Foundation.

Expert witness in probate and trust matters in Marion Probate Court, Delaware Superior Court, Decatur Circuit Court and Madison Superior Court.

Author and Panelist for numerous Indiana Continuing Legal Education Foundation, Indiana Bankers Association, Trust Section, Indiana CPAs and National Business Institute seminars.

Indianapolis Bar Association; Indiana State Bar Association, both since 1969; Tax & Real Property, Estate and Trust Sections of each; President of Estate Planning Council of Indianapolis, 1982-1983; Certified Trust and Financial Advisor (CTFA), 1991-1996.

Certified civil mediator, from 1994-present. Have enrolled in "refresher" courses.

B. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues. and C. combined: List any memberships and offices you have held in civic or charitable organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Kiwanis Club Member since 1966. Club Vice President (Meridian Indpls. Club 1969-70), Board Member (North Indianapolis Club 1968-69), Treasurer-2 terms Downtown Indpls. Club, Chairman of Sponsored Youth, Circle K, Spiritual Aims, Finance Committees and Treasurer of the Indianapolis Kiwanis Foundation, over past 35 years; Awarded the Kiwanis Club of Indianapolis Lifetime Career Award, 2001; Legion of Honor, 1981; Key of Honor, 2000. International Committee Chairman for Circle K, 1988-1990, George Hixson Diamond Level Six Fellow; Perfect Attendance for the past 34 consecutive years

D. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Endowment Committee Member (Past Chairman), First Baptist Church of Indianapolis, twenty-two years from 1973-present; Past Chairman of the Board of Trustees, Past Chairman of the Nominating Committee.

Association for Retarded Citizens of Indiana (ARC of Indiana), Chairman of Trust Advisory Committee 1987-2010, Past Member, State ARC Board of Directors, 1988-1990, Recipient of the Indiana Award for Organizational Development, 1992.

President Benjamin Harrison Home Foundation, Board Member 1994-2008 and, 2010- present; Vice President, 1996-1998, President, 1998-2000, Secretary 2003-2008.

Arthur Jordan Foundation, Board Member since 2003. Secretary 2003-04; Vice Chairman 2004-05, Chairman 2005-20006.

Noble Foundation of Indiana, Member of the Board of Directors of the Foundation 1997-2000. Past Chairman of the Planned Giving and Development Committee.

Member, Board of Governors, Indiana University Center on Philanthropy, Indianapolis, 1998-2002.

Member, Board of Directors, Indianapolis Art Center, 1998-2002.

Eiteljorg Museum. Member of the Finance Committee, 1997-2001. Member of Planned Giving Committee 1998-2006.

Crossroads of America Council, Boy Scouts of America, Development Committee member 1997-1999.

Indiana University School of Law--Indianapolis, Member of Development Committee, 1995-present.

E. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions. Do not belong to any such social club or organization.

F. Indicate your experience teaching law, and provide the dates, names of institutions or programs, and a description of the subject matter taught. Guest lecturer for Indiana Univ. Indianapolis Law School for Professors Jegen and Lopez.

G. Describe your hobbies and other leisure activities. Enjoy sailing, swimming, walks, movies, reading and vacation trips.

IX. A. Provide names, addresses, and telephone numbers of three professional references other than those listed in Section VII. G.

George G. Slater, Esq. 301 E. Carmel Dr., Bldg. G, Suite 100, Carmel IN
46032, (317) 571-9600

Michael E. Andrews, Esq. 9247 N. Meridian Street, Indianapolis, IN 46260
(317) 574-0700

R. Michael Miner, Esq. 101 W. Ohio Street, Indianapolis, IN 46204
(317) 693-2504

B. Provide names, addresses, and telephone numbers of three personal references other than those listed in VII. G.

Dr. George H. Tooze, 8161 Oakland Road, Indianapolis, IN 46240
(317) 257-9344

George R. Kerr 5515 Allisonville Road, Indianapolis, IN 46220
(317) 257-2621

Peggy Pfau P. O. Box 280, Zionsville, IN 46077, (317) 733-3455

C. List any lawsuits or legal proceedings in any jurisdiction, including bankruptcies and dissolutions, to which you have been a party. Provide dates, case numbers, names of other parties, and, if needed, a brief explanation. I was named in a civil probate lawsuit about five years ago, along with three other defendants. One party has settled. The plaintiff has lost at several levels but has not settled with us. It is Robert McC. Trent v. James L. Trent et al. 49D08-0307-TR-001721 for the initial action and 49A04-0905-CV00261 for the Court of Appeals.

E. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide dates. No other states.

F. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number if applicable, and describe the circumstances and the nature of the outcome or resolution. None

G. If you have any outstanding federal, state, or local tax obligations, please itemize and explain. None

X. A. Attach a recent statement from your physician describing your general physical condition.

Sept. 16, 2010
DATE

Thomas P. Ewbank
APPLICANT'S SIGNATURE

THOMAS P. EWBANK
PRINTED NAME

WAIVER AND STATEMENT OF CONSENT

The undersigned applicant authorizes the release to the Indiana Judicial Nominating Commission or its staff or agents any records, reports, and documents, whether or not otherwise confidential, which may be requested by the Commission in the performance of its evaluations of candidates pursuant to I.C. § 33-27-3-2. The scope of this authorization extends to, but is not necessarily limited to, requests from the Commission for Federal, State or local tax records, criminal and driving histories from any jurisdiction, attorney and judicial disciplinary records from any jurisdiction, whether pending or closed, and credit reports and histories. The undersigned releases and discharges the Judicial Nominating Commission, its individual members, its employees, agents and representatives, the Indiana State Police, the Indiana Department of Revenue, the Indiana Supreme Court Disciplinary Commission and any other agency or person or their agents or representatives providing information to the Commission from any and all liability arising from the furnishing and use of information concerning the undersigned applicant.

The undersigned agrees and understands that the Indiana Judicial Nominating Commission or its members, agents, or employees, may interview or otherwise consult with members of the legal, judicial, and general community concerning the professional qualifications and the integrity of the applicant, that the name of the applicant will be released by the Commission upon its receipt of the application and this waiver, and that if, pursuant to I.C. § 33-27-3-2(d), the applicant is given further consideration as a candidate after the Commission's initial screening of candidates, or if no such screening occurs and all applicants are considered, the application will be made public. This waiver does not constitute an election by the applicant pursuant to I.C. § 33-27-3-2(g)(3)(C) to authorize the release of investigatory records which are excepted from public inspection pursuant to I.C. § 33-27-3-2(g)(1) and (2).

The undersigned agrees to immediately supplement this application upon any event or circumstance substantially affecting any answer provided in the application.

The undersigned acknowledges having read the Instructions attached to the application.

The undersigned agrees to resign from office or membership in any political organization upon submission of this application.

The undersigned affirms that, if nominated by the Judicial Nominating Commission to the Governor and thereafter appointed to this judicial office, the candidate will accept the appointment.

Sept. 16, 2010
DATE

Thomas P. Eubank
APPLICANT'S SIGNATURE

THOMAS P. EUBANK
PRINTED NAME